

U.S. Patent Application Serial No. **10/594,149**
Response filed October 20, 2010
Reply to OA dated May 20, 2010

REMARKS

After entry of the amendments herein, claims 1, 24 and 25 shall be pending in the subject application. Claims 2-23 have been canceled herein without prejudice or disclaimer as to their subject matter. Claim 1 has been amended herein and claims 24 and 25 have been newly added herein in order to more particularly point out and distinctly claim subject matter. The Applicant respectfully submits that no new matter has been added. It is believed that this paper is fully responsive to the Office Action dated May 20, 2010.

The Examiner has rejected claims 1, 7, 9, 11, 13, 15, and 17-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,699,056 (**Yoshida '056**) in view of U.S. Patent Application Publication No. 2005/0053310 (**Myochin '310**).

Applicant respectfully traverses this rejection, for the following reasons.

The Examiner has relied on **Myochin '310** to reject all pending claims. However, **Myochin '310** is not available to be cited as prior art against claims of the subject application.

The effective U.S. filing date of the subject application is March 25, 2005.

The foreign priority date of the subject application is March 29, 2004. The foreign priority date is based on the Applicant's Japanese Patent Application No. 2004/096124.

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The filing date of **Myochin '310** is September 7, 2004.

The publication date of **Myochin '310** is March 10, 2005.

The effective U.S. filing date of the subject application, March 25, 2005, is after the publication date of **Myochin '310**, March 10, 2005. However, the foreign priority date of the subject application, March 29, 2004, is before the publication date of **Myochin '310**, March 10, 2005.

In view of the above, **Myochin '310** is not an effective reference against claims set forth in the subject application.

In order to perfect Applicant's claim for priority, and thereafter obtain the benefit of Applicant's earlier priority date, March 29, 2004, enclosed herewith is a verified English translation of the Applicant's Japanese Patent Application No. 2004/096124.

Accordingly, in view of the above, Applicant respectfully submits that this rejection should be withdrawn.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicant's undersigned attorney at the telephone number

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indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT & TRADEMARK OFFICE

Enclosures: Petition for Extension of Time
Request for Continued Examination
Verified English translation of Japanese Patent Application No. 2004/096124